

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

BRYON A DEAL-WATKINS,

Plaintiff,

VS.

LT. H. WALTERS, #4231, *et al.*,

Defendants.

2:13-cv-01808-GMN-VCF

ORDER

The following motions are before the court: Plaintiff's Motion to Compel Attorney to Release Information (#23); and Defendant's Motion to Extend Discovery (1st Request) (#20). Defendant's Motion (#20) had not been opposed.

On April 4, 2014 the Court entered a Scheduling Order (#15), approving the Stipulated Discovery Plan and Scheduling Order proposed by the Parties (#14). On July 14, 2014, Court entered an Order (#19) GRANTING the Motion to Dismiss filed by individual defendants (#8). The dismissal was without prejudice, and Plaintiff was given leave to amend his complaint by Tuesday, July 29, 2014. Id. After discovery of an error on the Court's docket in this case, the Court granted Plaintiff additional time, to and including Monday, September 15, 2014, to file his amended complaint. (#21). The Motion to Extend Discovery (#20) was filed before the docketing error was discovered.

On September 15, 2014, Plaintiff timely filed his Amended Complaint (#25). Concurrently he filed the Motion to Compel Attorney to Release Information (#23), which is styled, “NOTICE AND DEMAND; FREEDOM OF INFORMATION ACT; AFFIRMATION IN THE NATURE OF AN AFFIDAVIT.” In accordance with Section III(F)(4) of this Court’s Electronic Filing Procedures, the clerk docketed this identical document again as Docket Enter #24. Double docketing was required

1 because the filing had two purposes, (1) asserting a demand for information and (2) placing facts into the
2 record by way of affidavit.

3 Because it is a demand for information, Docket #23 is a written discovery request. Its filing is
4 prohibited by LR 26-8. For that reason, Docket #23, docketed as Plaintiff's Motion to Compel Attorney
5 to Release Information must be stricken.

6 Pursuant to Fed. R. Civ. Pro. 15(a)(3) and 6(d), defendants' time to respond to the Amended
7 Complaint (#25) ends on October 2, 2014. Because of these changed circumstances, Defendants'
8 Motion to Extend Discovery (#20) will be partially granted to the extent that the Court will order the
9 parties to meet and confer and the file a new Discovery Plan and Scheduling Order based on the posture
10 of this case after defendants have responded to the Amended Complaint.

11 Accordingly,

12 IT IS HEREBY ORDERED:

13 1. Plaintiff's Motion to Compel Attorney to Release Information (#23) is STRICKEN; and
14 2. Defendants' Motion to Extend Discover (#20) is GRANTED IN PART, as follows: (a)
15 after defendants file their responsive pleading(s) to Plaintiff's Amended Complaint, the
16 parties must meet and confer to agree on, if possible, new dates for an Amended
17 Discovery Plan and Scheduling Order; and (b) the Proposed Amended Discovery Plan
18 and Scheduling Order must be filed with the Court on or before November 3, 2014.

19 Dated this 18th day of September, 2014.

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21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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